

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

777 EQUIPMENT FINANCE LLC,

PLAINTIFF,

V.

MOHAMAD S. KHAN,

DEFENDANT.

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**-Y**

CASE NO. 2:21-CV-6092-GRB-ARL

DECEMBER 14, 2021

## REQUEST FOR CERTIFICATE OF DEFAULT

TO: DOUGLAS C. PALMER, CLERK OF COURT  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Please enter the default of the defendant, Mohamad S. Khan, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend this action as fully appears from the court file herein and from the attached affirmation of Paul A. De Genaro.

THE PLAINTIFF,  
777 EQUIPMENT FINANCE LLC

By:

Paul A. De Genaro  
Attorney No. PD 6336  
Benanti & Associates  
350 Bedford Street, Suite 201  
Stamford, CT 06901  
Telephone: (203) 324-9559  
Fax: 203-358-8582  
Email: [pdegenaro@benantilaw.com](mailto:pdegenaro@benantilaw.com)  
Its Attorneys

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

777 EQUIPMENT FINANCE LLC,	-----X	
	:	CASE NO. 2:21-CV-6092-GRB-ARL
	:	
PLAINTIFF,	:	
	:	
V.	:	
	:	
MOHAMAD S. KHAN,	:	
	:	
DEFENDANT.	:	DECEMBER 14, 2021
	-----X	

**AFFIRMATION IN SUPPORT OF REQUEST FOR CERTIFICATE OF DEFAULT**

STATE OF CONNECTICUT	)		
	)	ss.: Stamford	December 14, 2021
COUNTY OF FAIRFIELD	)		

The undersigned, Paul A. De Genaro, hereby declares as follows:

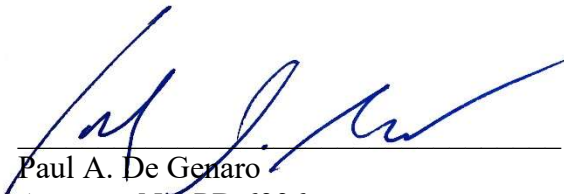
1. I am counsel of record to the plaintiff in this action, 777 Equipment Finance LLC (“Plaintiff”).
2. I am over the age of 18 years of age and I believe in the obligation of an oath.
3. This action was commenced by Plaintiff pursuant to Complaint dated November 2, 2021.
4. The time for the defendant, Mohamad S. Khan (“Defendant”), to answer or otherwise move with respect to the Plaintiff’s Complaint dated November 2, 2021 (the “Complaint”) has expired.
5. Defendant has not answered or otherwise moved with respect to the Complaint and the time for Defendant to answer or otherwise move has not been extended.
6. Based upon documents I have examined (provided by Plaintiff), Defendant is not an infant or incompetent.

7. Based upon a search I performed on December 14, 2021 of the online database maintained by the United States Department of Defense Manpower Data Center Service Members' Civil Relief Act (<https://scra.dmdc.osd.mil/scra/#/home>), I received the attached "Military Status Report Pursuant to Pursuant to the Service Members' Civil Relief Act" indicating that the Department of Defense Manpower Data Center has no record of Defendant being in the active military service as of the date of such search.

8. Based upon documents I have examined (provided by Plaintiff), Defendant is indebted to Plaintiff on account of his Personal Guaranty dated August 10, 2016 of a certain Promissory Note and Security Agreement dated July 25, 2016 (as more particularly described in the Complaint).

WHEREFORE, Plaintiff requests that the default of Defendant be noted and that a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to Plaintiff, and that no part thereof has been paid.



Paul A. De Genaro  
Attorney No. PD 6336  
Benanti & Associates  
350 Bedford Street, Suite 201  
Stamford, CT 06901  
Telephone: (203) 324-9559  
Fax: 203-358-8582  
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# Status Report Pursuant to Servicemembers Civil Relief Act

SSN: **REDACTED**  
 Birth Date: **REDACTED**  
 Last Name: KAHN  
 First Name: MOHAMAD  
 Middle Name: S  
 Status As Of: Dec-14-2021  
 Certificate ID: LZC2DX3MN9FYQ2N

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director  
 Department of Defense - Manpower Data Center  
 400 Gigling Rd.  
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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V.	:	
	:	
MOHAMAD S. KHAN,	:	
	:	
DEFENDANT.	:	DECEMBER __, 2021
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**CERTIFICATE OF DEFAULT**

I, Douglas C. Palmer, Clerk of Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendant, Mohamad S. Khan (“Defendant”), has not filed an answer or otherwise moved with respect to the complaint herein. The default of Defendant is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: Central Islip, New York  
December \_\_, 2021

DOUGLAS C. PALMER, CLERK OF COURT

By: \_\_\_\_\_  
Name:  
Deputy Clerk